



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,731	03/29/2001	Masayoshi Shimizu	826.1719	4353

21171 7590 03/09/2004

STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER

DESIRE, GREGORY M

ART UNIT	PAPER NUMBER
----------	--------------

2625

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/819,731

Applicant(s)

SHIMIZU ET AL.

Examiner

Gregory M. Desire

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7-12 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima (6,701,011) in view of Yamakawa et al (5,809,366).

Regarding claims 1, 8 and 15-18 Nakajima discloses,

A user preference obtaining unit outputting images at two or more correction levels as corrected images for a given image (note col. 19 lines 31-35, nine different adjustment patterns examiner interprets as two or more correction levels), and allowing a user to select a preferred corrected image (note col. 19 lines 35-48, user selects a preferred corrected image); and

Nakajima is silent disclosing an image correction unit correcting an image to be corrected, which is different from the given image based on a selection result from the user. However Nakajima teaches an image correction unit correcting an image to be corrected, which is different from the given image based on a selection result from the user (note fig. 3 block 10 in connection with col. 5 lines 60-65). Therefore it would have been obvious to one having ordinary skills to disclose an image correction unit correcting an image to be corrected, which is different from the given image based on a

selection result from the user. Nakajima creates a selection result from the user preference. Yamakawa in the same field of endeavor uses the selected results from the user to correct subsequent images, providing an accurate calibration that is standard in a system (note col. 2 lines 6-10).

Regarding claims 2 and 9 Nakajima and Yamakawa discloses,

Wherein said user preference obtaining unit outputs images at two or more correction levels corresponding to the plurality of given images to allow the user to select preferred corrected images (note Nakajima fig. 24a and 24b in connection with col. 20 lines 40-50). Nine thumbnail images correspond to the two or more correction levels and block 165 (scene) provides plurality of given images to allow the user to select preferred corrected images.

Regarding claims 3 and 10 Nakajima and Yamakawa discloses,

Wherein said plurality of given images are different in type (note Nakajima col. 20 lines 48-50, shows image different in type), and said user preference obtaining unit allows the user to select preferred corrected image corresponding to each type (note Nakajima col. 20 line 44-47).

Regarding claims 4 and 12 Nakajima and Yamakawa discloses,

Wherein said given image is stored in advance in an image correction unit as an image of quality generally preferred by a large number of users (note Nakajima col. 20 line 18-20, lines cite image prepared beforehand).

Regarding claims 5 and 11 Nakajima and Yamakawa discloses,

A user specified image input unit receiving a user specified image as the given image (note Nakajima fig. 24b block 165 and col. 20 lines 40-45, sample is user specified image input unit receiving a use specified image).

Regarding claims 7 and 14 Nakajima and Yamakawa discloses,

Wherein said user preference obtaining unit prints and outputs images at two or more correction level (note Nakajima col. 19 lines 38-40, user prints nine images of different adjusting parameters (two or more correction levels); and

Apparatus further comprises an image-printing unit printing and outputting an image to be corrected, which has actually been corrected by said image correction unit (note Nakajima col. 19 lines 41-48).

3. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima and Yamakawa in further view of Kanno et al (6,577,761).

Regarding claims 6 and 13 Nakajima and Yamakawa are silent disclosing,

Wherein said user preference obtaining unit requests a user t input a user identifier for identification of the user, and allows each user to select a preferred

Art Unit: 2625

corrected image. However, Kanno discloses user inputs identifier and allows each user to select a preferred corrected image (note col. 12 lines 42-47 and 54-60, user inputs user identification, allows user to select an output image).

Therefore it would have been obvious to one having ordinary skills in the art to include user identification in the system of Nakajima and Yamakawa as evidenced by Kanno. Nakajima and Yamakawa teach user selection of a corrected preferred image and setting the select preference for other images. Kanno in the same field of endeavor identifies specific user of an output image, thus providing and maintaining the preference of a specific user of a system operated by many user (note col. 1 lines 61-66).

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory M. Desire whose telephone number is (703) 308-9586. The examiner can normally be reached on M-F (8:30-6:00) Second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory M. Desire  
Examiner  
Art Unit 2625

G.D.  
March 4, 2004

  
BHAVESH M. MEHTA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800